

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-24156-BLOOM/Otazo-Reyes

RENÉ GARCIA, *et al.*,

Plaintiffs,

v.

KERRIE J. STILLMAN, *et al.*,

Defendants.

_____ /

ORDER DEFERRING MOTION FOR STAY PENDING APPEAL

THIS CAUSE is before the Court upon Defendants’ Motion for Stay of Preliminary Injunction Pending Appeal, ECF No. [57] (“Motion”), filed on March 16, 2023. On April 7, 2023, Defendants filed a substantively identical Motion for Stay Pending Appeal before the Eleventh Circuit Court of Appeals. *See* No. 23-10872, *Garcia v. Exec. Dir., Fla. Comm’n on Ethics* (11th Cir. Apr. 7, 2023). In both Motions, Defendants seek an order partially staying the Court’s Order on Motion for Preliminary Injunction, ECF No. [52].

“[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over the aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam). The Court was divested of jurisdiction to consider Defendants’ Motion for Stay on April 7, 2023, when Defendants sought that identical relief from the Eleventh Circuit.

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In these circumstances, Federal Rule of Civil Procedure 62.1 provides that the Court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.” Upon careful consideration of the facts of this case, and a comparison of the Defendants’ two Motions – which reveal that Defendants’ appellate Motion is significantly more developed than the Motion filed before this Court – the Court will **DEFER** considering the Motion, ECF No. [57].

DONE AND ORDERED in Chambers at Miami, Florida, on April 11, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record